

**PROGRAMMATIC AGREEMENT**

among

**VERMONT STATE HISTORIC PRESERVATION OFFICER,**

**VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT**

and

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

for the

**ADMINISTRATION OF THE VERMONT COMMUNITY DEVELOPMENT PROGRAM**

**CDBG  
PROGRAMMATIC AGREEMENT**

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## **PROGRAMMATIC AGREEMENT**

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**VERMONT STATE HISTORIC PRESERVATION OFFICER,**

**VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT**

**and**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**for the**

**ADMINISTRATION OF THE VERMONT COMMUNITY DEVELOPMENT PROGRAM**

WHEREAS, the U. S. Department of Housing and Urban Development ("HUD") has allocated Small Cities Community Development Block Grant ("CDBG") funds to the Vermont Agency of Commerce and Community Development (Agency) for the Vermont Community Development Program (VCDP) in accordance with Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, pursuant to 24 CFR Part 58, HUD has delegated the responsibility for compliance with the requirements of Section 106 of the National Historic Preservation Act to recipient State agencies and Participating Jurisdictions receiving funds from the CDBG program; and

WHEREAS, the implementation of the Vermont Community Development Program (VCDP) may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (National Register) pursuant to Section 800.14 of the revised regulations (effective June 17, 1999), 36 CFR Part 800, implementing 106 of the National Historic Preservation Act, 16 U.S.C.470f; and

WHEREAS, the Agency intends to comply with the principles identified in the Council's Affordable Housing Statement and other policy statements set forth in this Programmatic Agreement, and

WHEREAS, in accordance with 36 CFR 800, the Agency acknowledges and accepts the advice and conditions outlined in the Council's "Recommended Approach for Consultation on the Recovery of Significant Information from Archeological Sites" published in the Federal Register on May 18, 1999,

WHEREAS, the Agency, the Advisory Council on Historic Preservation (the "Council") and the State Historic Preservation Officer (SHPO) have determined that the Agency can more effectively fulfill its Section 106 review responsibilities for VCDP activities if a programmatic approach is used to delegate Section 106 compliance responsibilities to the Recipients of VCDP funds, when they agree to assume this responsibility, and to identify VCDP activities which can be excluded from the Section 106 review because they have limited potential to adversely affect historic properties; and

WHEREAS, the recipients of VCDP funds, units of local government (Recipients), may assume responsibility for complying with section 106;

WHEREAS, the Agency will comply with the terms of this Programmatic Agreement on behalf of the Recipient when it determines that the Recipient lacks the in-house professional expertise or the funding to contract with qualified professionals to fulfill the terms of the Agreement,

NOW, THEREFORE, THE AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT ("AGENCY"), the VERMONT STATE HISTORIC PRESERVATION OFFICER ("SHPO") and the ADVISORY COUNCIL ON HISTORIC PRESERVATION ("COUNCIL") do stipulate and agree that the Vermont Community Development Program shall be administered in accordance with the following stipulations to satisfy the Agency's Section 106 responsibilities.

The Agency, through its Vermont Community Development Program (VCDP), will ensure that the following measures are carried out:

## **I. QUALIFIED PROFESSIONALS**

1. Some projects may require that Recipients retain qualified professionals in architectural history/historic preservation or archeology. The Agency will ensure that Recipients of VCDP funds will contract with qualified professionals who meet the Secretary of the Interior's Professional Qualifications Standards, found in 36 CFR 61 (48 FR 44738-9), and have a clear understanding of how to interpret and apply the Secretary of the Interior's Standards and the National Register criteria, to carry out reviews related to their profession that are required under the terms of the Programmatic Agreement. The Agency, in consultation with the SHPO, shall develop a list of pre-qualified professionals for use in the VCDP Program. Responsibilities delegated to the qualified professional include:

- identifying and evaluating historic properties;
- reviewing plans and specifications;
- making determinations of effect;
- preparing comment letters and other documents;
- and other tasks related to Section 106 compliance under this Programmatic Agreement.

The qualified professional may consult with the SHPO at any time in the course of project review but shall consult with the SHPO on controversial or precedent setting issues.

2. The Agency shall keep resumes of qualified professionals on file and available to the SHPO if requested.

3. Should the Agency determine that Recipients cannot contract with qualified historic preservation professionals to carry out the review pursuant to this Programmatic Agreement, the Agency shall consult with the SHPO to determine the alternate administrative arrangements for the Agency to complete the reviews required pursuant to this Programmatic Agreement. The Agency shall notify the Council in writing of any alternate procedures approved by the SHPO.

## II. EXEMPT PROPERTIES AND ACTIVITIES

1. If Program activities involve:
  - (a) rehabilitation of buildings or structures less than 50 years old, or
  - (b) are limited solely to those activities listed in Appendix A,  
then such properties and activities are exempt from this Programmatic Agreement. This determination is made in consultation with a Recipient by Agency staff who will document it for the file. No further review is required.
2. The Recipient shall retain a qualified professional to review all other activities, including Planning Grants. The qualified professional shall provide documentation on historic properties, project effects, and whether, and under what conditions, the Recipient may proceed with project construction as per the procedures outlined below.

## III. ROLES OF RECIPIENTS, SHPO, AND AGENCY

1. The Recipient shall retain a qualified professional to: identify and evaluate historic properties within the project's area of potential effect; determine the project's effect on historic properties; develop appropriate treatment or mitigation measures to avoid, minimize, or mitigate any effects; and submit appropriate documentation of these actions to the Agency as set out in this Programmatic Agreement. Specific obligations and procedures shall be outlined by the Agency in the "Agency Procedures" section of the VCDP Grants Management Guide. (If the project will also need a state Act 250 permit, the Recipient should consult the Division for Historic Preservation regarding identification and treatment of historic properties in that process.)
2. The SHPO shall assist the Recipient in this process by providing available information and consulting with the Recipient and its qualified professional when asked or when required under the terms of this Programmatic Agreement.
3. The Agency, through the VCDP, shall assist the Recipient to comply with Section 106 by providing technical assistance and organizing and presenting training; shall maintain project files and report on program activity as required in this Programmatic Agreement.

## IV. IDENTIFYING AND EVALUATING HISTORIC PROPERTIES

1. Preliminary step in identifying potential historic properties.
  - a. During the Letter of Intent (LOI) stage of the VCDP application process, the potential Recipient shall consult with the SHPO to identify information in existing inventories on historic properties that may be affected by VCDP activities. The SHPO shall conduct this background review by checking:
    - current listings of the National Register;
    - the Vermont Historic Sites and Structures Survey;
    - the Vermont Archeological Inventory;
    - properties determined by the Vermont Advisory Council on Historic Preservation to be eligible for the National Register; and
    - any other readily available information in the SHPO's files

The SHPO shall also apply the environmental predictive model to determine if the project area contains potential archeological sites.

- b. The SHPO shall provide any applicable information identified in the above background review to the potential Recipient at that time.
- c. In the case of scattered site housing rehabilitation or scattered site economic development projects, where the specific locations of projects are unknown at the Letter of Intent (LOI) stage, the Recipient's qualified professional shall conduct the above background review once the specific locations are known.

2. Identifying and evaluating historic buildings or structures.

- a. For properties not listed in the National Register and not exempt under Section II of this Agreement, the qualified professional shall evaluate them for National Register eligibility based on the National Register evaluation criteria. The qualified professional and the Recipient may consult with the SHPO at any time during this process.
- b. Documentation: The qualified professional shall submit the evaluation documentation to the SHPO. For eligible buildings or structures not included in the Vermont Historic Sites and Structures Survey, the documentation shall include a completed Survey form and black-and-white photograph. The SHPO may specify alternative documentation formats.
- c. For evaluation of properties in potential historic districts, the qualified professional may consult with the SHPO for guidance on what additional information and materials s/he may need to provide.

3. Identifying and evaluating archeological resources.

- a. Projects involving significant ground disturbing activities must be reviewed and approved by a qualified archeological professional. Significant ground disturbing activities include, but are not limited to:
  - new construction;
  - construction of roads and parking lots;
  - land clearance and tree cutting in preparation for construction;
  - excavation for footings and foundations;
  - installation of sewer, water, storm drains, electrical, gas, leach lines, and septic tanks, unless included in Appendix A, Exempt Activities.
- b. Identification and evaluation of archeological resources must be carried out by the Recipient through the use of a qualified archeological professional as early as possible during project planning. The qualified professional and the Recipient may consult with the SHPO at any time throughout this process.
- c. It is desirable and most cost effective at any stage of study outlined in d, e, and f to avoid sites through appropriate conditions placed on the project design and construction specifications. Such conditions to preserve the site will be negotiated between the Recipient and the qualified professional. The Advisory Council's "Recommended Approach for Consultation on Recovery of Significant Information From Archeological Sites" (published in the Federal Register on May 18, 1999, Appendix B) shall be followed.

d. Field Inspection. If the SHPO's background review during the Letter of Intent process identifies potential archeological sites within the project area, the SHPO shall recommend **that** the Recipient retain a qualified archeological professional to conduct a Field Inspection. The purpose of a Field Inspection is to identify areas that have been significantly disturbed in the past; specific areas that are likely to contain archeological sites; and potential archeological issues that must be considered during project planning. If the areas likely to contain archeological sites cannot be avoided, then proceed to e below.

e. Phase I Identification study. If the Field Inspection concludes that potential archeological sites exist within the project area and may be affected by the project, the Recipient shall retain a qualified archeological professional to conduct a Phase I Identification study. Depending on the project scale and complexity of issues, this study may be broken into separate Phase IA and Phase IB steps. If an archeological site is identified and cannot be avoided, then proceed to f below.

f. Phase II Evaluation Study. The Recipient shall retain a qualified archeological professional to conduct a Phase II Evaluation study to determine whether the site meets the criteria for inclusion in the National Register of Historic Places. If the site cannot be avoided and will be destroyed in whole or in part by the project, then the Recipient and the qualified archeological consultant shall develop a mitigation plan in consultation with the SHPO. (See Section VI. 4.)

g. Documentation. All archeological studies must meet the SHPO's Guidelines for Conducting Archeological Studies in Vermont and the Secretary of the Interior's Standards and Guidelines for Archeology. The Recipient shall provide 1 copy of the Field Inspection letter report and Phase I and II study reports to the Agency and 2 copies of each to the SHPO, as well as any associated Vermont Archeological Inventory form(s). The qualified consultant shall distribute copies of study reports, as appropriate, to the SHPO's standard distribution list. The SHPO may specify alternative documentation formats.

4. Public notification of National Register determinations.

a. Prior to making a determination of National Register eligibility for a non-listed property, the qualified professional shall notify the chief elected local official in the town where the property is located, and invite them to provide comments to the qualified professional and SHPO concerning the historic, architectural and/or archeological significance of the property.

5. Disagreement about National Register eligibility.

a. If the Agency or the Recipient disagree with the qualified professional's determination that a property meets the National Register criteria, they shall consult with the SHPO for a determination of eligibility. The Agency or the Recipient may submit eligibility determinations for properties to the SHPO concurrently with proposed treatment plans to expedite the Section 106 review. The SHPO shall provide written comments to the Agency or Recipient within 30 days following receipt of adequate documentation.

b. If the Agency or the Recipient disagree with the SHPO's findings, they shall obtain a formal determination of eligibility from the Keeper of the National Register in accordance with 36 CFR Sec.800.4 (c) and 36 CFR 63 and notify the SHPO accordingly.



## V. TREATMENT OF HISTORIC PROPERTIES

1. Building rehabilitation: The Agency shall ensure that building rehabilitation plans and specifications for non-exempt VCDP activities are developed in accordance with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings (Standards) (Appendix C) as follows:
  - a. Prior to the initiation of such activities, the Recipient shall submit to the qualified professional work write-ups or plans and specifications which evidence adherence to the Standards. The qualified professional shall review and approve the plans and specifications if appropriate.
  - b. If the qualified professional recommends modifications to the work write-ups or plans and specifications to ensure that the project meets the Standards, the Recipient shall make appropriate modifications and submit revised work write-ups or plans and specifications to the qualified professional. If the Recipient determines that they cannot make the modifications recommended by the qualified professional to meet the Standards and that the project will therefore have an adverse effect on historic properties, the qualified professional and the Recipient shall consult with the SHPO to develop a Standard Mitigation Measures Agreement in accordance with Section VI.
  - c. If building demolition or other adverse effect is proposed, the qualified professional may ask the Recipient to provide the following information in order for the qualified professional to evaluate the feasibility of the undertaking:
    - i) condition assessments for various historic elements;
    - ii) alternative treatments considered and cost estimates for each;
    - iii) life cycle maintenance costs related to each alternative;
    - iv) proposed measures to mitigate or minimize adverse effects;
    - v.) available marketing studies.
  - d. After reviewing the project documentation, the qualified professional shall submit a finding of effect, with any relevant conditions, if appropriate, to the Agency for its project files.
  - e. In lieu of the review process outlined above, for building rehabilitation projects that use the Rehabilitation Investment Tax Credit (RITC), a Recipient may substitute a Part 2 Historic Preservation Certification Application (HPCA), approved and signed by the National Park Service, as evidence of compliance with the Standards. If the project contains work that was not included in and approved in the HPCA, such as new construction or ground disturbance that might affect archeological sites, the remainder of the project shall be reviewed as outlined in this Agreement.
2. Scattered site housing rehabilitation and scattered site economic development projects: Recipients who are undertaking a program of scattered site housing rehabilitation or scattered site economic development shall contract with a qualified professional to review each rehabilitation project, as outlined in this Agreement. A separate Programmatic Agreement for the program shall not be necessary.
3. Relocation of historic and contributing buildings: The Recipient and the qualified professional shall consult further with the SHPO prior to the approval of plans when historic properties are proposed for relocation.

- a) If a historic property proposed for relocation is a contributing structure within a historic district listed on or eligible for listing on the National Register, the Recipient shall make every effort to relocate the historic property within the same historic district. The Recipient shall forward documentation to the qualified professional explaining why relocation is required; the basis for selection of the new site; and a summary of the alternatives to relocation which were considered. The qualified professional shall forward documentation to the SHPO regarding the location of the proposed new site for the SHPO's review and comment. If the SHPO objects to the proposed new site, all parties shall consult further with the SHPO to evaluate alternate locations.
  - b) The qualified professional shall determine whether there are any potential archeological sites at the new location. If such potential exists, a qualified archeological professional shall follow the process set out in section IV(C) of this agreement.
  - c) Upon approval of an alternative site by the SHPO, the Recipient shall ensure that all historic properties are moved in accordance with the recommended approaches in Moving Historic Buildings (John Obed Curtis) by a professional mover who has the capability to move historic properties properly. A relocation plan shall be submitted to the qualified professional for review and approval.
  - d) If the Recipient determines that they cannot identify an alternate site acceptable to the SHPO, the qualified professional shall consult with the SHPO to develop a Standard Mitigation Measures Agreement or otherwise resolve the adverse effect in accordance with Section VI.
4. Demolition: The Recipient shall not proceed with the demolition of contributing buildings or portions of contributing buildings (i.e. ells, wings, attached sheds and barns, porches) within a historic district or properties listed or eligible for listing on the National Register if the demolition will result in an adverse effect as determined by the qualified professional or SHPO until the procedures set forth in this section are completed.
- a) The Recipient's qualified professional shall forward documentation to the SHPO for each historic property or portion of property proposed for demolition, to include a reason for demolition, a recent structural analysis, a summary of alternatives considered, future plans for the site, and the proposed mitigation plan and the views of the public.
  - b) If the SHPO determines that the proposed demolition is the most feasible alternative, the qualified professional shall develop a Standard Mitigation Measures Agreement in accordance with Section VI.
  - c) If the SHPO determines that the Standard Mitigation Measures do not apply, the Agency shall follow the process outlined in sections VI. 6 and VI. 7.
  - d) If new construction or a new use is proposed for this property, the qualified professional shall determine whether there are any potential archeological sites on the property. If such potential exists, a qualified archeological professional shall follow the process set out in section IV(C) of this agreement.
5. Designing new construction: Recipients shall ensure that the design of new construction, infill construction or additions to historic buildings is compatible with the historic qualities of the historic district or adjacent historic buildings in terms of size, scale, massing, design, color, features, and materials, and is responsive to the recommended approaches for new construction set forth in the Standards.

a) The Recipient shall develop preliminary design plans in consultation with the qualified professional. Final plans and specifications will be submitted to the qualified professional for review and approval prior to the initiation of construction activities.

b) If the qualified professional determines that the design of the new construction does not meet the Standards or would otherwise result in an adverse effect to historic properties, the Recipient shall notify the SHPO and shall consult with the qualified professional and SHPO to modify the design or to develop a Standard Mitigation Measures Agreement in accordance with Section VI.

c) If the SHPO determines that the Standard Mitigation Measures do not apply, the Agency shall follow the process outlined in sections VI. 6 and VI. 7.

6. Treatment of archeological resources: see sections IV (c), VI (4), *VIII*, and IX.
7. Planning Grants: Unless activities being planned only involve Exempt Activities (see Appendix D), the Recipient is required to follow the provisions of this Programmatic Agreement. This provides a chance to identify and resolve issues and opportunities regarding historic and archeological resources at the planning stage of a project.

## **VI. RESOLVING ADVERSE EFFECTS**

1. If an undertaking may adversely affect a National Historic Landmark, the Agency shall request the SHPO, the Council and the Secretary of the Interior to participate in consultation to resolve any adverse effects, as outlined in 36 CFR 800.10.
2. When the qualified professional concludes that a proposed project will result in an adverse effect to an historic property, the qualified professional shall consult with the SHPO on whether it is appropriate to execute a Standard Mitigation Measures Agreement as outlined in Appendix B. If the SHPO determines that executing a Standard Mitigation Measures Agreement is appropriate to mitigate the proposed adverse effect, the qualified professional shall prepare an Agreement and submit it to the SHPO for review. The SHPO shall advise the Recipient and the Agency of its decision to execute the Agreement within thirty (30) days following its receipt with adequate documentation. The SHPO may consult with the Secretary of the Agency of Commerce and Community Development to resolve project conflicts.
3. When the SHPO determines that it is appropriate to execute a Standard Mitigation Measures Agreement, that Agreement shall be signed by the Agency, the SHPO, and the Recipient, and the Agency shall ensure that the terms of the Agreement are carried out.
4. In the case of an adverse effect to a National Register eligible archeological site, the qualified archeological professional shall develop an Archeological Data Recovery Plan as part of the Standard Mitigation Measures Agreement that meets applicable federal and state guidelines, including the Council's Treatment of Archeological Properties, the SHPO's Guidelines for Conducting Archeological Studies, and the "Recommended Approach for Consultation on Recovery of Significant Information From Archeological Sites" (Federal Register, May 18, 1999, Appendix B). Data Recovery projects shall include a significant public education and interpretation component whenever appropriate. Materials recovered shall be curated and stored in accordance with 36 CFR 79.
5. The Recipient shall notify the Agency and the SHPO when all the stipulations in the Standard Mitigation Measures Agreement have been successfully completed.

6. If the qualified professional or the SHPO determine that the Standard Mitigation Measures are not appropriate for a project, they shall consult with the Recipient and the Agency to seek ways to minimize or mitigate the adverse effects. If consensus is reached, the qualified professional shall prepare a Memorandum of Agreement, as outlined in 36 CFR Section 800.6 (b)(1), and the Agency, the Recipient, and the SHPO shall sign it.
7. If the Agency and the SHPO cannot reach consensus, the parties shall notify the Council and initiate the consultation process set forth in 36 CFR Section 800.6(b)(2). In addition, the Agency shall submit to the Council the background documentation outlined in Section V (1)(c).
8. If agreement is not reached, the parties shall follow the process set forth in 36 CFR Section 800.7, Failure to Resolve Adverse Effects.

## **VII. PUBLIC INVOLVEMENT**

1. The Recipient shall determine the public interest in the proposed VCDP project and its potential to affect historic properties by informing the public about historic properties while meeting its public participation requirements as set forth in the regulations for the VCDP and in complying with 24 CFR Part 58, which includes a requirement for a public hearing. Recipients shall seek and consider the views of the public on their projects, in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking. Contact should be made with local historic preservation commissions where they exist, and with other groups or individuals interested in the type(s) of historic resource or area affected by the undertaking. Recipients shall notify the Agency and the SHPO of the public interest in any project activities covered under the terms of this Programmatic Agreement.
2. The Recipient, the Agency, or the SHPO may invite interested persons to participate as consulting parties in the Section 106 process in accordance with 36 CFR Section 800.3.
3. At any time during the implementation of the measures stipulated in this Programmatic Agreement, should the public raise an objection pertaining to the treatment of an historic property, the Agency shall notify the SHPO and take the objection into account. The Agency and the SHPO, when requested by the objector, shall consult to resolve the objection. The Recipient is not required to cease work while the objections are being reviewed.
4. Consulting parties and/or the public may request that the Council enter the consultation process. The Council will review 36 CFR 800 Appendix A, "Criteria for Council Involvement in Reviewing Individual Section 106 Cases" to determine if it is appropriate for the Council to enter consultation on a particular project.

## **VIII. DISCOVERY OF ARCHEOLOGICAL SITES DURING CONSTRUCTION**

If previously unidentified archeological sites are discovered during project construction, that portion of the project will stop immediately. The Recipient's qualified archeological professional shall determine actions that the Recipient can take to resolve potential adverse effects and the Recipient shall notify the Agency and the SHPO of the discovery and the possible actions within 48 hours of the discovery. The SHPO shall respond

within 48 hours of the notification. The Agency shall take into account the SHPO's recommendations and consult with the Recipient to carry out appropriate actions. When the actions are completed, the Agency shall provide a report on the actions to the SHPO.

## **IX. TREATMENT OF HUMAN REMAINS**

If human remains are discovered during any phase of archeological study or during construction, the study or that portion of the project will stop immediately and the Recipient shall notify appropriate authorities and follow applicable state laws and procedures. The remains shall be respectfully covered over. If the human remains are Native American, the Recipient's qualified archeological professional shall immediately contact the SHPO. A treatment and reburial plan shall be developed by the qualified archeological professional, in consultation with the SHPO and appropriate Native Americans. The Agency shall ensure that the treatment and reburial plan is fully implemented. Avoidance and preservation in place is the preferred option for treating human remains.

## **X. COORDINATION WITH OTHER FEDERAL SECTION 106 REVIEWS**

If a project has been previously reviewed and approved under Section 106 in another federal program, such as HOME or Rural Development, no further review is required, as long as the project is the same one that was reviewed under the other program(s). A Recipient shall certify to Agency staff that a project has not changed (i.e. that the project plans bear the same date as those referenced in the previous comment letter) when submitting a previous comment letter for compliance with Section 106 requirements under the VCDP.

## **XI. ADMINISTRATIVE COORDINATION**

1. The SHPO shall provide comments within 30 days for reviews required under the terms of this Programmatic Agreement. In the event that the SHPO fails to comment within the 30 day time period, the Recipient and the Agency can assume that the SHPO concurs.
2. The Agency shall develop, in consultation with the SHPO and qualified professional, procedures for the implementation of the terms of this Programmatic Agreement.
3. The Agency and/or the qualified professional shall document in individual project files all program activities which involved historic properties and were subject to the terms of this Programmatic Agreement in individual project files. Each file shall include as appropriate:
  - a) documentation why the exemption from review is applicable;
  - b) for non-exempt properties, documentation on the National Register eligibility of the property;
  - c) copies of field inspection letters, archeological scopes of work, and study reports;
  - d) written comments on project effects;
  - e) a copy of the Standard Mitigation Measures Agreement;
  - f) description of work or dated project plans and specifications;
  - g) photographs of the project before rehabilitation; and
  - h) the date the project was completed.

This information shall be available for review by the SHPO or Council following reasonable notice.

## **XII. MISCELLANEOUS PROVISIONS**

1. Modifications. The qualified professional may approve any modifications to previously approved specifications or Standard Mitigation Measures Agreements according to the procedures outlined in Section VI.
2. Dispute Resolution. Should the SHPO object within a reasonable time frame to any specifications or actions covered by this Programmatic Agreement, the Agency shall consult further with the SHPO to seek resolution. If the Agency determines that the objection cannot be resolved, the Agency shall forward all documentation relevant to the dispute to the Council. Within 45 calendar days after receipt of all pertinent documentation, the Council will provide the Agency with recommendations or comment in accordance with 36 CFR 800.7(c). The Agency will take into account the Council's recommendations or formal comments in reaching a final decision regarding the dispute. Any Council comment provided to the Agency in response to such a request will be taken into account by the Agency with reference to the subject of the dispute. Any recommendation or comment provided by the Council will be interpreted to obtain only to the subject of the dispute, and the responsibility of the Agency to carry out all actions under this agreement that are not the subject of the dispute will remain unchanged.
3. Workshops. Upon written request from the Agency, the SHPO shall conduct training workshops to assist VCDP, qualified professionals, and Recipients to understand the technical requirements of the Programmatic Agreement.
4. Monitoring. The SHPO and the Council may monitor any activities carried out pursuant to this Agreement. The Agency will cooperate with the SHPO and Council should they request to monitor or to review project files for activities at specific project sites.
5. Reporting Requirements. The Agency shall provide the SHPO with an Annual Report at the end of the fiscal year summarizing all projects which were reviewed under this Programmatic Agreement, and shall schedule a meeting with the SHPO to discuss the Report.

This Annual Report shall include:

- a list of projects, categorized by name, town, exempt status, whether or not a historic property was involved, determination of effect, and whether an archeologist or architectural historian (or both) was contracted to carry out reviews under the terms of this Programmatic Agreement;
- the number of properties added to the Vermont Historic Sites and Structures Survey (VHSSS) and the Vermont Archeological Inventory (VAI);
- a summary of mitigation measures undertaken, including the use of Standard Mitigation Measures Agreements;
- a summary of archeological activities conducted under the program;
- a summary of staff and consultant training held;
- staff and consultant training proposed for the following year;
- the views of the Agency regarding the effectiveness of the Programmatic Agreement;
- suggestions for additional actions that could be considered for inclusion in the Exempt Activities list.

The signatories to the Programmatic Agreement shall review this information to determine what, if any, amendments are necessary. Any VHSSS and VAI forms, archeological study reports, or other documentation not previously submitted to the SHPO during the year should be enclosed with the Annual Report when it is submitted to the SHPO.

### **XIII. EFFECTIVE DATE**

This Programmatic Agreement shall take effect on the date it is signed by the last signatory. The Programmatic Agreement will remain in effect until the Agency has expended all funds it has received from HUD for the VCDP in this and subsequent grant years, unless terminated pursuant to this Programmatic Agreement.

### **XIV. AMENDMENTS**

Any party to this Programmatic Agreement may request that it be amended or modified, whereupon the Agency, the SHPO, and the Council will consult in accordance with 36 CFR Section 800.14 (b) to consider such revisions. Any resulting amendments or addenda shall be developed and executed among the Agency, SHPO, and Council in the same manner as the original Programmatic Agreement.

### **XV. TERMINATION**

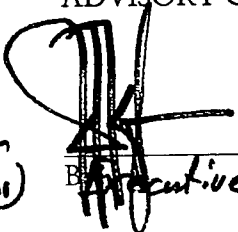
Any party to this Programmatic Agreement may terminate the Agreement by providing thirty (30) calendar days notice to the other parties, provided that the parties will make every reasonable effort to consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

### **XVI. FAILURE TO COMPLY WITH AGREEMENT**

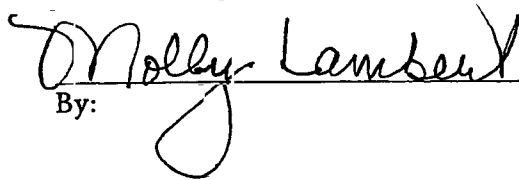
In the event that the Agency does not carry out the terms of this Programmatic Agreement, the Agency will comply with 36 CFR 800 with regard to each individual project for which Agency has awarded funding to the Recipient.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement evidences that the Agency has satisfied its Section 106 responsibilities for VCDP activities funded in whole or in part under the VCDP.

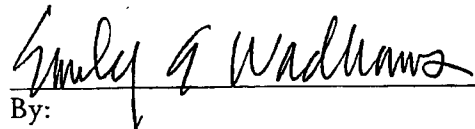
ADVISORY COUNCIL ON HISTORIC PRESERVATION

(f)  Executive Director 6/29/00  
By: Date

VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT

 Molly Lambert 6/3/00  
By: Date

VERMONT STATE HISTORIC PRESERVATION OFFICER

 Emily A. Wadhams 5/18/00  
By: Date



## APPENDIX A

### HUD-FUNDED CDBG PROGRAM EXEMPT ACTIVITIES

The following treatments will not require review by the SHPO or Council:

1. **Non-Historic Buildings and Structures.** Demolition and rehabilitation of non-historic buildings and structures, i.e. those less than 50 years old, except when a proposed addition to an existing building or structure may impact a surrounding historic district. **New construction is not an exempt activity.**
2. **Mechanical Systems.** Repair, replacement and installation of the following systems provided that such work does not affect the exterior or require the installation of new ducts through the interior: electrical work; plumbing pipes and fixtures; heating system improvements; installation of fire and smoke detectors; ventilation systems; and bathroom improvements where work is contained within the existing bathroom.
3. **Exterior painting.** Repainting of exterior surfaces provided that destructive surface preparation treatments, including, but not limited to waterblasting, sandblasting and chemical cleaning are not used. Scraping, sanding, chemical or low-heat stripping, if appropriate, do not need review.
4. **Exterior Repairs.** Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim when the repair or replacement is done in-kind to closely match existing material and form.
5. **Windows.** Caulking, weatherstripping, reglazing and repainting of windows, installation of new window jambs or jamb liners, repair, replacement or installation of storm windows (exterior, interior, metal or wood) provided they match the historic shape and size of the historic prime windows and that the meeting rail coincides with that of the prime window. Color should match trim, if possible.
6. **Roof Repair.** Roof repair or replacement of historic roofing with material which closely matches the existing material and form. Cement asbestos shingles may be replaced with asphalt shingles. When repairing or replacing existing asphalt shingle, sheet metal or rolled roofing, corrugated fiberglass roofing is not appropriate.
7. **Gutters.** Repair, replacement or installation of gutters and downspouts.
8. **Insulation.** Insulation in ceilings and attic and basement spaces provided it is installed with appropriate vapor barriers.
9. **Interior Surfaces (floors, walls, ceilings).** Repainting, refinishing, repapering, replacing sheetrock with sheetrock, replacing failing asbestos-containing plaster with plaster or sheetrock, laying carpet or sheet flooring, or replacement of suspended ceiling tile.
10. **Interior Trim.** Repairing and retaining significant interior historic trim including doors, baseboards, chair rails, wainscoting, paneling, cornice trim, fireplace mantels, stair balusters, newel posts, window and door casings and other decorative features or replacement of non-significant flat stock trim.

11. **Site Improvements.** Repair or replacement of existing roads, driveways, sidewalks, and curbs, provided that repairs are done with like material, and there are only minimal changes in dimension or configuration of these features. Repair or replacement of fencing when work is done in-kind to closely match existing material and form.
12. **Interior Floor Plan.** Removal or alteration of non-historic interior walls.
13. **Underground Utilities.** Repair or replacement of water, gas, storm and sewer lines if it occurs in or adjacent to the original trench.
14. **Handicapped Access Ramps.** Graded ground paths that provide access to a building.
15. **Lead Paint Abatement.** Interior lead paint abatement when it is limited to washing, scraping and repainting, wallpapering, and chemical stripping of lead-painted surfaces, installation of new window jambs or jamb liners, installation of metal panning in window wells, and replacement of non-significant flat stock trim. Exterior Lead Paint Abatement that includes scraping and repainting of exterior wood and masonry surfaces.
16. **Asbestos Abatement.** Necessary removal of asbestos provided it does not involve the removal of contributing historic elements.
17. **Shallow Ground Disturbance In a Housing Rehabilitation Project.** Removal or disturbance of soil to a depth of six (6) inches or less, over 100 square feet or less.
18. **Plantings.** Planting of grass, shrubs, bushes and trees.
19. **Previously Disturbed Land.** Previously disturbed land as evaluated and documented by a qualified archeological professional, or engineer provided earlier as-built plans are available to demonstrate disturbance.
20. **Test Holes and Wells.** Test borings, well drilling and perc tests that do not require a temporary or permanent new access road to a site.
21. **Generators.** Temporary installation of generators, and permanent installation of generators that are placed inside existing buildings or that occupy an area under 50 square feet behind the building they serve.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Recommended Approach for Consultation on Recovery of Significant Information From Archaeological Sites

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice of guidance.

**SUMMARY:** In accordance with §§ 800.5 and 800.6 of its revised regulations (36 CFR part 800, "Protection of Historic Properties," published today) implementing Section 106 of the National Historic Preservation Act of 1966, the Advisory Council on Historic Preservation is publishing a recommended approach for consultation by Federal agencies, State Historic Preservation Officers, Tribal Historic Preservation Officers, and others on the effects of Federal, federally-assisted, and federally-licensed or -permitted undertakings on archaeological sites. The Council has determined that issuance of this guidance is consistent with the Council's revised regulations. The full text of the guidance is reproduced under the **SUPPLEMENTARY INFORMATION** section of this notice.

**DATES:** This guidance is effective on June 17, 1999.

**ADDRESSES:** Those wishing to comment on this guidance should direct such comments to: Executive Director, Advisory Council on Historic Preservation, Old Post Office Building, 1100 Pennsylvania Ave., NW., # 809, Washington, DC 20004; FAX (202) 606-8647; e-mail [achp@achp.gov](mailto:achp@achp.gov).

**FOR FURTHER INFORMATION CONTACT:** Ronald D. Anzalone, Assistant to the Executive Director, Advisory Council on Historic Preservation, Old Post Office Building, 1100 Pennsylvania Ave., NW., # 809, Washington, DC 20004, (202) 606-8523.

**SUPPLEMENTARY INFORMATION:** The full text of the guidance, with the model Memorandum of Agreement, is reproduced below.

### Recommended Approach for Consultation on Recovery of Significant Information From Archaeological Sites

#### Background

Sections 800.5 and 800.6 of the Council's revised regulations, "Protection of Historic Properties" (36 CFR part 800) detail the process by which Federal agencies determine whether their undertakings will adversely affect historic properties, and if they will, how they are to consult to avoid, minimize, or mitigate the adverse

effects in order to meet the requirements of Section 106 to "take into account" the effects of their undertakings on historic properties.

One such category of historic properties is comprised of prehistoric or historic archaeological resources. The National Register of Historic Places defines an archaeological site as "the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains" (National Register Bulletin 36, "Guidelines for Evaluating and Registering Historical Archaeological Sites and Districts," 1993, p. 2). Such properties may meet criteria for inclusion in the National Register of Historic Places for a variety of reasons, not the least of which may be because "they have yielded, or may be likely to yield, information important to prehistory or history" (National Register Criteria for Evaluation, 36 CFR 60.4).

In the context of taking into account the effects of a proposed Federal or federally-assisted undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register, potential impacts to archaeological sites often need to be considered. Appropriate treatments for affected archaeological sites, or portions of archaeological sites, may include active preservation in place for future study or other use, recovery or partial recovery of archaeological data, public interpretive display, or any combination of these and other measures.

#### *Archaeological Sites and Their Treatment*

The nature and scope of treatments for such properties should be determined in consultation with other parties, but in the Council's experience they generally need to be guided by certain basic principles:

- The pursuit of knowledge about the past is in the public interest.
- An archaeological site may have important values for living communities and cultural descendants in addition to its significance as a resource for learning about the past; its appropriate treatment depends on its research significance, weighed against these other public values.
- Not all information about the past is equally important; therefore, not all archaeological sites are equally important for research purposes.
- Methods for recovering information from archaeological sites, particularly large-scale excavation, are by their nature destructive. The site is destroyed as it is excavated. Therefore

management of archaeological sites should be conducted in a spirit of stewardship for future generations, with full recognition of their non-renewable nature and their potential multiple uses and public values.

- Given the non-renewable nature of archaeological sites, it follows that if an archaeological site can be practically preserved in place for future study or other use, it usually should be (although there are exceptions). However, simple avoidance of a site is not the same as preservation.

- Recovery of significant archaeological information through controlled excavation and other scientific recording methods, as well as destruction without data recovery, may both be appropriate treatments for certain archaeological sites.

- Once a decision has been made to recover archaeological information through the naturally destructive methods of excavation, a research design and data recovery plan based on firm background data, sound planning, and accepted archaeological methods should be formulated and implemented. Data recovery and analysis should be accomplished in a thorough, efficient manner, using the most cost-effective techniques practicable. A responsible archaeological data recovery plan should provide for reporting and dissemination of results, as well as interpretation of what has been learned so that it is understandable and accessible to the public. Appropriate arrangements for curation of archaeological materials and records should be made. Adequate time and funds should be budgeted for fulfillment of the overall plan.

- Archaeological data recovery plans and their research designs should be grounded in and related to the priorities established in regional, state, and local historic preservation plans, the needs of land and resource managers, academic research interests, and other legitimate public interests.

- Human remains and funerary objects deserve respect and should be treated appropriately. The presence of human remains in an archaeological site usually gives the site an added importance as a burial site or cemetery, and the values associated with burial sites need to be fully considered in the consultation process.

- Large-scale, long-term archaeological identification and management programs require careful consideration of management needs, appreciation for the range of archaeological values represented, periodic synthesis of research and other

program results, and professional peer review and oversight.

*Resolving Adverse Effects Through Recovery of Significant Information From Archaeological Sites*

Under 36 CFR 800.5, archaeological sites may be "adversely affected" when they are threatened with unavoidable physical destruction or damage. Based on the principles articulated above, the Council recommends that the following issues be considered and addressed when archaeological sites are so affected, and recovery of significant information from them through excavation and other scientific means is the most appropriate preservation outcome.

If this guidance is followed, it is highly unlikely that the Council would decide to enter the consultation process under 36 CFR 800.6 or raise objections to the proposed resolution of adverse effects in a given case, unless it is informed of serious problems by a consulting party or a member of the public.

1. The archaeological site should be significant and of value chiefly for the information on prehistory or history they are likely to yield through archaeological, historical, and scientific methods of information recovery, including archaeological excavation.

2. The archaeological site should not contain or be likely to contain human remains, associated or unassociated funerary objects, sacred objects, or items of cultural patrimony as those terms are defined by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

3. The archaeological site should not have long-term preservation value, such as traditional cultural and religious importance to an Indian tribe or a Native Hawaiian organization.

4. The archaeological site should not possess special significance to another ethnic group or community that historically ascribes cultural or symbolic value to the site and would object to the site's excavation and removal of its contents.

5. The archaeological site should not be valuable for potential permanent in-situ display or public interpretation, although temporary public display and interpretation during the course of any excavations may be highly appropriate.

6. The Federal Agency Official should have prepared a data recovery plan with a research design in consultation with the SHPO/THPO and other stakeholders that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Secretary of the Interior's Standards and

Guidelines for Archaeology and Historic Preservation, and the Advisory Council on Historic Preservation's Treatment of Archaeological Properties: A Handbook. The plan should specify: (a) The results of previous research relevant to the project; (b) research problems or questions to be addressed with an explanation of their relevance and importance; (c) the field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs; (d) the methods to be used in artifact, data, and other records management; (e) explicit provisions for disseminating the research findings to professional peers in a timely manner; (f) arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results; (g) the curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR part 79 (except in the case of unexpected discoveries that may need to be considered for repatriation pursuant to NAGPRA); and (h) procedures for evaluating and treating discoveries of unexpected remains or newly identified historic properties during the course of the project, including necessary consultation with other parties.

7. The Federal Agency Official should ensure that the data recovery plan is developed and will be implemented by or under the direct supervision of a person, or persons, meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739).

8. The Federal Agency Official should ensure that adequate time and money to carry out all aspects of the plan are provided, and should ensure that all parties consulted in the development of the plan are kept informed of the status of its implementation.

9. The Federal Agency Official should ensure that a final archaeological report resulting from the data recovery will be provided to the SHPO/THPO. The Federal Agency Official should ensure that the final report is responsive to professional standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79).

10. Large, unusual, or complex projects should provide for special oversight, including professional peer review.

11. The Federal Agency Official should determine that there are no unresolved issues concerning the recovery of significant information with

any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to the affected property.

12. Federal Agency Officials should incorporate the terms and conditions of this recommended approach into a Memorandum of Agreement or Programmatic Agreement, file a copy with the Council per § 800.6(b)(iv), and implement the agreed plan. The agency should retain a copy of the agreement and supporting documentation in the project files.

**Model Memorandum of Agreement**

*[See Attached Form]*

**MEMORANDUM OF AGREEMENT FOR RECOVERY OF SIGNIFICANT INFORMATION**

FROM ARCHAEOLOGICAL SITE(S) \_\_\_\_\_  
(list)

UNDERTAKING: \_\_\_\_\_

STATE: \_\_\_\_\_

AGENCY: \_\_\_\_\_

Whereas, in accordance with 36 CFR Part 800, the [Federal Agency] acknowledges and accepts the advice and conditions outlined in the Council's "Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites," published in the Federal Register on [date of publication]; and

Whereas, the consulting parties agree that recovery of significant information from the archaeological site(s) listed above may be done in accordance with the published guidance; and

Whereas, the consulting parties agree that it is in the public interest to expand funds to implement this project through the recovery of significant information from archaeological sites to mitigate the adverse effects of the project; and

Whereas, the consulting parties agree that Indian Tribes or Native Hawaiian organizations that may attach religious or cultural importance to the affected property(ies) have been consulted and have raised no objection to the work proposed; and

Whereas, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), are expected to be encountered in the archaeological work;

Now, therefore, the [Federal Agency] shall ensure that the following terms and conditions, including the appended Archaeological Data Recovery Plan, will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

**OTHER TERMS AND CONDITIONS:**

• Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.

- Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Council to assist in resolving the dispute.

- This agreement shall be null and void if its terms are not carried out within 5 (five) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

Agency Official: \_\_\_\_\_  
date: \_\_\_\_\_

State Historic Preservation Officer: \_\_\_\_\_  
date: \_\_\_\_\_

Tribal Historic Preservation Officer: Official: \_\_\_\_\_  
date: \_\_\_\_\_

Other Public or Private Entity: \_\_\_\_\_  
date: \_\_\_\_\_  
(as applicable)

[Attach Archaeological Data Recovery Plan here]

*[End of Form]*

Dated: May 7, 1999.

**John M. Fowler,**

*Executive Director.*

[FR Doc. 99-12055 Filed 5-17-99; 8:45 am]

**BILLING CODE 4310-10-M**

## **APPENDIX C**

### **The Secretary of the Interior's Standards for Rehabilitation**

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired

## APPENDIX D

### STANDARD MITIGATION MEASURES AGREEMENTS

The Agency, the Recipient, and the SHPO may develop and execute an agreement that includes one or more of the following Standard Mitigation Measures, as modified by the SHPO, when the SHPO deems it appropriate. The Council will not be a party to these agreements.

1. **Photographic Documentation.** The Recipient shall ensure that the historic property is recorded prior to its demolition, alteration or relocation in accordance with Historic American Buildings Survey (HABS) standards or the Photographic Documentation Standards for Historic Structures adopted by the SHPO. The qualified professional shall identify an appropriate archive for the deposit and the Recipient shall be responsible for submitting such materials. The SHPO may waive the recordation requirement as it deems appropriate.

2. **Salvage of Architectural Features.** The Recipient, in consultation with the SHPO, shall identify appropriate parties to receive salvaged architectural features. The Recipient shall ensure that significant architectural features are salvaged prior to demolition activities and properly stored and curated. When feasible, salvaged architectural features shall be reused in other preservation projects.

3. **Conformance with Approved Plans.** The Recipient shall ensure that the treatment of historic properties or the design of new buildings or additions which the SHPO has agreed cannot feasibly meet the Standards is carried out in accordance with the construction documents or work write-ups reviewed and approved by the qualified professional, in consultation with the SHPO.

4. **Marketing and Sale.** The Recipient shall ensure that the marketing plan proposed by the Recipient, in consultation with the SHPO, is implemented for a mutually agreed upon period prior to the demolition or relocation of historic properties. The applicant shall review all purchase offers with the qualified professional, who may consult with the SHPO. If a successful purchaser is selected, the applicant may include preservation covenants in the transfer deed, upon recommendation of the qualified professional and concurrence by the SHPO. If no successful purchaser is identified, the applicant may either convey the property without covenants or proceed with the demolition or relocation after the historic properties have been recorded pursuant to HABS standards or SHPO guidelines.

5. **Relocation.** In relocating the building, every effort shall be made to reestablish its historic orientation, immediate setting, and general environment in the new location, in accordance with 36 CFR 60. The qualified professional shall evaluate the continued eligibility of the moved building for the National Register of Historic Places, and provide a written evaluation to the SHPO. The SHPO may request that the qualified professional prepare a National Register nomination form for the property, or amend an existing nomination form.

6. **Future Work on Buildings.** Future work on the exterior and/or interior of the building shall meet the Secretary of the Interior's Standards for Rehabilitation.

7. **Public Education.** The Recipient and a qualified professional shall consult with the SHPO to develop a public education program or project that enhances public understanding and appreciation of resources similar in location or type to the resources adversely affected by the project. The Recipient shall ensure that the program or project is carried out and shall report the results to the SHPO and the Agency.

8. **Popular Publications.** The Recipient and a qualified professional, through the use of consultants as appropriate, shall produce and distribute a popular version of a technical report and/or, a booklet, pamphlet, or brochure that illustrates the work on a property, its history, or its historic context.

9. **Interpretive Signage.** The Recipient and a qualified professional, through the use of research, design and fabrication consultants as appropriate, shall produce one or more signs to describe the work on a property, its history, or its historic context. They shall consult with local interested entities to plan the sign(s) and to address maintenance and long-term care of permanent sign(s).

10. **Exhibits.** The Recipient and a qualified professional, in conjunction with appropriate consultants, shall develop and install a professional quality exhibit that describes the work on a property, its history, or its historic context. Local installations or exhibits that travel to local schools are encouraged.

11. **Lectures/Tours.** The Recipient shall ensure that a qualified professional organize public lectures and tours of ongoing projects and excavations. Involvement of local school groups is encouraged.

12. **Development of Historic Context.** The Recipient shall ensure that a qualified professional research and prepare a written historic context statement for the class of resources affected by the project. The format of the context statement shall be determined in conjunction with the SHPO.

13. **Data Recovery of archeological information.** The Recipient and the qualified professional shall develop an Archeological Data Recovery Plan that meets the Council's Treatment of Archeological Properties, the SHPO's Guidelines for Conducting Archeological Studies, and the "Recommended Approach for Consultation on Recovery of Significant Information From Archeological Sites" (Federal Register, May 18, 1999, Appendix B). Data Recovery projects shall include a significant public education and interpretation component whenever appropriate. Materials recovered shall be curated and stored in accordance with 36 CFR 79.